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Janne Mikkola

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

MAPA, MICHAEL Y

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

05/10/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. The applicant has amended the following:

Claims: 1-26 has not been amended.

Response to Arguments

2. Applicant's arguments filed 04/27/10 have been fully considered but they are not persuasive.

The applicant argues features wherein a method and system comprising identifying a data transmitting device from which data is being transmitted to a receiving mobile station configured to receive only data transmitted from a transmitting device from which there is defined a call divert command to the receiving mobile station and in case the data transmitting device is identified as said transmitting device from which there is defined a call divert command to the receiving mobile station, receiving the data or in case the data transmitting device is identified as other than the transmitting device from which there is a call divert command to the receiving mobile station, transmitting the data to a predetermined receiving device.

3. Before addressing the applicant's arguments, the examiner would like to clarify the position taken with respect to the applied art:

Irvin discloses an adaptive call screening method and system wherein a telephone having call screening capabilities includes a memory for storing call screening data which is used by the telephone to screen incoming calls to be accepted, rejected or diverted based on the call screening data stored in the memory wherein the call screening feature captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list (call divert command) and only accepts the calls (receiving the data) if the calling party is from the accept list as well as having a divert list wherein if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined device).

With regards to the applicants arguments that Irvin fails to disclose the claimed limitation because the opposite occurs in Irvin and the claimed invention do not treat the transmitting devices from which there is a "call divert command" in the same manner. The examiner respectfully disagrees. The call screening feature of Irvin discloses having different lists to divert the calls accordingly based on the calling party and which list they belong. Therefore if the calling party belongs in the accept list, the call divert command is to divert the calls to be accepted by the telephone and rings the telephone and if the calling party belongs in the divert list, the call divert command is to divert the calls to be sent to a voice mail box, answering machine or other recording device.

With regards to the applicant's arguments that "even if the numbers in the 'accept list' of Irvin are considered to be transmitting devices from which there is defined a call

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divert command, as interpreted by the Office, then there is still a clear distinction in how devices other data transmitting devices are treated because in Irvin, calls from numbers not on the "accept list" are not always transmitted to a predetermined receiving device, rather the user can add numbers to a "divert list" and calls from that number will be transmitted to another device" or if the user does not add the number to the "divert list" then the call is blocked. Therefore, calls from numbers not on the "accept list" are not transmitted further to a device but are blocked from being received, unless the user makes a specific exception for the call to be forwarded, Thus Irvin fails to disclose the feature of claim 1 of "in case the data transmitting device is identified as other than the transmitting device from which there is a call divert command to the receiving mobile station transmitting the data to a predetermined receiving device"". The examiner respectfully disagrees. Irvin discloses having an accept list which accepts the calls of the calling party contained in the accept list as well as having a divert list which diverts the calls to a predetermined device such as a voice mailbox, answering machine, etc. Irvin also discloses having a block list which rejects the calls of the numbers not in the accept list or the divert list. Therefore, the calling party numbers in the divert list and the block lists are numbers other than those in the accept list. However, the applicant's claims are written broad such that the Irvin reads on the claimed limitations. The applicant's claims only discloses that "in the case that the data transmitting device is identified as other than the transmitting device from which there is defined a call divert command to the receiving mobile station, transmitting the data to a predetermined receiving device." Irvin already discloses the case where the transmitting device is

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identified as other than the transmitting device from which there is defined a call divert command to the receiving mobile station, transmitting the data to a predetermined receiving device by disclosing the divert list which is different from the accept list and therefore other than the transmitting device from which there is defined a call divert command, if the calling party is in the divert list, the data would then be transmitted to a predetermined receiving device such as a voice mailbox. Therefore, Irvin having a block;/reject list does not prevent Irvin from reading on the claimed invention since the claimed limitation are written in a way that still reads on Irvin.

4. Therefore, the argued limitations read upon the cited references or are written broad such that they read upon the cited references.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Michael Mapa/
Examiner, Art Unit 2617